

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**GOLDEN GATE COMMUNICATIONS,
LLC,** §
§
Plaintiff, §
§
v. §
§
ALLIOS, INC., §
§
Defendant. §

Civil Action No. 4:23-CV-063-SDJ

PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS WITHOUT PREJUDICE

COMES NOW Plaintiff Golden Gate Communications, LLC (“Plaintiff”), by and through its attorneys, and hereby files this motion to voluntarily dismiss its action against Defendant Allios, Inc. (“Defendant”) and respectfully shows the Court as follows:

1. Plaintiff filed this action on December 13, 2022 in the U.S. District Court for the Northern District of Texas, asserting claims against Defendant arising from Defendant’s failure to pay Plaintiff’s invoices for goods provided pursuant to a contract between the parties.
2. On December 19, 2022, the U.S. District Court for the Northern District of Texas issued an order transferring this action to the Eastern District of Texas.
3. Defendant filed an answer to Plaintiff’s Complaint on January 13, 2023.
4. The parties’ counsel have had several conversations to attempt to amicably resolve the issues in dispute. But on or around January 20, 2023, Defendant sold all of its assets to a third party. Since the asset sale, the parties’ counsel have continued discussions to attempt to resolve the issues in dispute.
5. On April 10, 2023, this Court ordered Plaintiff to file an amended complaint alleging additional facts regarding its own citizenship sufficient to invoke the Court’s jurisdiction.

(Dkt. No. 15.) Plaintiff is a limited liability company incorporated in California with its principal place of business in California and with only one member, an individual who resides in Santa Barbara, California. As a result, Plaintiff is also a citizen of California.

6. In other words, Plaintiff can comply with the Court's order and allege additional facts regarding its own citizenship sufficient to invoke the Court's jurisdiction. However, to conserve the parties' and the Court's resources and to more effectively negotiate a resolution of the issues underlying this action with Defendant and/or the third party that purchased Defendant's assets, Plaintiff seeks to voluntarily dismiss its action against Defendant without prejudice.

7. Plaintiff has not previously dismissed an action against Defendant based on or including the same claim or claims as those presented in this action.

8. This motion is made in good faith and is in furtherance of judicial economy and efficiency.

For good cause shown herein, Plaintiff respectfully requests that this Court dismiss its action against Defendant without prejudice.

Dated: April 20, 2023

Respectfully submitted,

/s/ J. Nicholas Bunch
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**ATTORNEYS FOR PLAINTIFF
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LLC**

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff attempted to confer with counsel for Defendant on April 19 and April 20, 2023 regarding the relief requested in this Motion. Defendant's counsel could not be reached.

/s/ J. Nicholas Bunch
J. Nicholas Bunch

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on Plaintiff's counsel of record via the ECF System on April 20, 2023.

/s/ J. Nicholas Bunch
J. Nicholas Bunch